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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,115	08/17/2006	John E. Oldenburg	L0786-01160PUS2	1253
2292 7590 03/26/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER BLAU, STEPHEN LUTHER				
ART UNIT		PAPER NUMBER		
3711				
NOTIFICATION DATE		DELIVERY MODE		
03/26/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/598,115

Applicant(s)

OLDENBURG, JOHN E.

Examiner

Stephen L. Blau

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 October 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Drawings

1. The change to figure 6 is agreed with and the objection to the drawings under 37 CFR 1.83(a) is removed.

Specification

2. The specification is objected to under rule 1.71 of 37 C.F.R. for not being written in an exact and precise way to enable one skilled in the art to make the same. Specifically it states on page 6 lines 20-25 that the family of shafts will have the same longitudinal stiffness by using the same amount and types of zero-ply materials and the family of shafts will have varying amounts and weights of the angle ply materials. Angle plies as shown in figure 5 will have a vector in the longitudinal direction. Therefore by varying the amount of angle ply material the longitudinal stiffness of the shaft will vary throughout the family of shafts as well. It is uncertain in this method how a family of shafts will have the same longitudinal stiffness.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 12-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 12 and 18 require that the family of shafts have the same longitudinal bending stiffness yet by the method it is uncertain how to produce this. Claim 12 has the longitudinal fiber producing the same longitudinal stiffness yet having different weights of angle fiber material. Angle plies as shown in figure 5 will have a vector in the longitudinal direction. Therefore by varying the amount of angle ply material the longitudinal stiffness of the shaft will vary throughout the family of shafts as well. It is uncertain in this method how a family of shafts will have the same longitudinal stiffness.

5. The change to figure 6 is agreed with and the rejection to the claims under 35 U.S.C. 112, second paragraph, is removed.

Response to Arguments

6. The argument that rejection under 35 U.S.C. 112, first paragraph, is improper due to the longitudinal vector for the angle ply material being so small in comparison with longitudinal stiffness imparted by the zero ply materials that this longitudinal vector is to be considered negligible by one skilled in the art is disagreed with. As small as the longitudinal vector might

be it still adds longitudinal stiffness and it is the opinion of the Examiner that one cannot state that the family of shafts have the same longitudinal bending stiffness. There are some shafts that only have angled fibers which form the shaft and the shaft stiffness is sufficient. However the angle fibers are less than 45 degrees (See U.S. Patent No. 4,132,579 and 5,143,374). Even in the argument on page 10 of the response it is admitted that the angle ply slightly affects longitudinal stiffness in line 1. The request that that the Examiner provide prior art that teaches contrary is noted. However the Examiner is of the opinion that the admission that there will be a slight affect on the longitudinal stiffness is enough to argue that the shafts will not have the same longitudinal bending stiffness. The argument that Takemura does not disclose the core of each shaft having an outside surface that is maintained substantially the same size to maintain the same size shell in each shaft is agreed with. As such the rejection is removed.

7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen L. Blau whose telephone number is (571) 272-4406. The examiner can normally be reached on Mon - Fri 10:00 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Slb/22 March 2009

/Stephen L. Blau/
Primary Examiner, Art Unit 3711